

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE SUBPOENA TO
MICROSOFT CORPORATION

Case No.

ROCHE FREEDMAN LLP,

Plaintiff,

v.

JASON CYRULNIK,

Defendant.

**DECLARATION OF KYLE ROCHE IN
SUPPORT OF PLAINTIFF AND
COUNTERCLAIM DEFENDANTS'
MOTION TO COMPEL**

Noted on Motion Calendar:
Jan. 6, 2023
Without oral argument

JASON CYRULNIK,

Counterclaim-Plaintiff,

v.

ROCHE FREEDMAN LLP, KYLE
ROCHE, DEVIN FREEDMAN, AMOS
FRIEDLAND, NATHAN HOLCOMB, and
EDWARD NORMAND,

Counterclaim-Defendants.

DECLARATION OF KYLE ROCHE IN SUPPORT OF
PLAINTIFF AND COUNTERCLAIM DEFENDANTS'
MOTION TO COMPEL
(Case No. _____)

ARNOLD & JACOBOWITZ PLLC
2701 FIRST AVENUE, SUITE 200
SEATTLE, WA 98121
(206) 769-3759

DECLARATION

Kyle Roche declares as follows:

1. I am a Counterclaim Defendant in the underlying action, *Roche Freedman, LLP v. Cyrulnik*, Case No. 1:21-cv-01746 (JGK) (S.D.N.Y.)

2. I am over the age of eighteen. The statements in this declaration are based on my personal knowledge and they are true and accurate to the best of my knowledge and belief. I make this declaration in support of Plaintiff's Motion to Compel.

3. In January 2022, an individual named Christian Ager-Hanssen arranged for me to attend meetings in London, ostensibly to discuss Ager-Hanssen's contemplated investment in a litigation finance startup.

4. An individual who identified himself as Mauricio Andres Villavicencio de Aguilar also participated in these meetings, under the pretense that he was a business associate of Ager-Hanssen's.

In connection with these meetings, I corresponded with the individual identified as Mauricio Andres Villavicencio de Aguilar via the email address villavicencio.mauricio@outlook.com, as well as with his purported assistant via the email address anna.s.chamberlain@outlook.com.

5. Ager-Hanssen has since publicly claimed that the meetings and the recordings were arranged by a consultant he had never met before "who identified

1 himself as Mauricio Andres Villavicencio de Aguilar.” Justin Wise, *Crypto, Cash*
2 *and Spies: Secret Videos Sink Legal Rising Star*, Bloomberg Law (Oct. 31, 2022),
3 [https://news.bloomberglaw.com/class-action/crypto-cash-and-spies-secret-videos-](https://news.bloomberglaw.com/class-action/crypto-cash-and-spies-secret-videos-sink-legal-rising-star)
4 [sink-legal-rising-star](https://news.bloomberglaw.com/class-action/crypto-cash-and-spies-secret-videos-sink-legal-rising-star). A copy of the article reporting these claims is attached as
5 Exhibit A.

6
7 6. My counsel has attempted to contact “Mauricio Andres Villavicencio
8 de Aguilar” using the same email addresses with which I previously corresponded,
9 but has received no response.

10 7. My counsel has also engaged in independent investigatory efforts to
11 locate or identify an individual named “Mauricio Andres Villavicencio de
12 Aguilar,” but has been unsuccessful.

13
14 8. Ager-Hanssen’s reputation as an entrapment artist, his recent
15 disavowal of any relationship with “Mauricio Andres Villavicencio de Aguilar,”
16 that individual’s failure to respond to emails from my counsel, and my counsel’s
17 unsuccessful efforts to locate any evidence that such a person exists have all led me
18 to believe “Mauricio Andres Villavicencio de Aguilar” is not the true identity of
19 the individual that participated in the meetings with myself and Ager-Hanssen, but
20 was in fact a fraudulent alias.

21
22 9. Attached as Exhibit B are true and correct copies of Microsoft’s
23 Subpoena Response and GDPR Response.

1 10. Attached as Exhibit C is a true and correct copy of Complaint, Dkt. 1,
2 *Roche Freedman, LLP v. Cyrulnik*, Case No. 1:21-cv-01746 (JGK) (S.D.N.Y. Feb.
3 27, 2021).

4 11. Attached as Exhibit D is a true and correct copy of Answer, Dkt. 72,
5 *Roche Freedman, LLP v. Cyrulnik*, Case No. 1:21-cv-01746 (JGK) (S.D.N.Y. Mar.
6 2, 2022).

7 12. Attached as Exhibit E is a true and correct copy of Letter Motion for
8 Conference with Exhibits, Dkt. 256, *Roche Freedman, LLP v. Cyrulnik*, Case No.
9 1:21-cv-01746 (JGK) (S.D.N.Y. Sep. 22, 2022).

10 13. Attached as Exhibit F is a true and correct copy of Bach Declaration
11 Exhibit 8, Dkt, 280, *Roche Freedman, LLP v. Cyrulnik*, Case No. 1:21-cv-01746
12 (JGK) (S.D.N.Y. Nov. 10, 2022).

13 14. Attached as Exhibit G is a true and correct copy of the subpoena we
14 served on Microsoft Corporation.

15 15. Attached as Exhibit H is a true and correct copy of Dkt. No. 137,
16 *Roche Freedman, LLP v. Cyrulnik*, Case No. 1:21-cv-01746 (JGK) (S.D.N.Y. June
17 17, 2022)

18 I declare the foregoing statements to be true under the penalties of perjury
19 under the laws of the United States.

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1 Dated: December 21, 2022

/s/ Kyle Roche

Kyle Roche